(42)

HIGH COURT OF CHHATTISGARH AT BILASPUR

C.R. No.107/2007

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Applicants/ Defendant 15, 16	1.	Chhaya Bai, D/o Damodar Rao, R/o Village-Bhojpuri, Tahsil Bilha, Distt. Bilaspur (CG)
	2.	Manmohan, S/o Heera Singh, R/o Village-Bhojpuri, Tahsil Bilha, Distt. Bilapsur (CG)
		Versus
Respondents/ Plaintiffs	1.	Madhuri @ Shobhana, aged about 48 years, W/o Kamlakar Gadkari, R/o Tilak Nagar Bilaspur (CG)
	2.	Sharda Prasad Gupta, S/o Mahesh Prasad Gupta, R/o Kududand, Distt. Bilaspur (CG)
	3.	Sanjay,S/o Narayan Das Alamchandani, R/o Nehru Nagar, Bilaspur
Defendants No. 1 to 14	4.	Padmakar Gupte, aged about 58 years, S/o Martand Rao Gupte, Tilak Nagar, Distt. Bilaspur (CG)
	5(a)	Sumant Pandrinath Gupte **(already deleted)**
	5(b)	Sharad S/o Sumant Gupte R/o Plot No.30, Shivaji Nagar Gwalior (M.P.)
	5(c)	Dilip Gupte, S/o Sumant Gupte, R/o Vishvkarama Nagar, Plot No.5 Chandrapur (Maharashtra)
	5(d)	Shyam Gupte S/o Sumant Gupte, R/o Vishvkarma Nagar Plot No.5 Chandrapur (Maharashtra)
	5(e)	Suchita S/o Sumant Gupte
	5(f)	Alka, S/o Sumant Gupte,
	5(g)	Nutan, S/o Sumant Gupte, No.5(e) to 5(g) through: Sumant Gupte, Vishvkarma Nagar Plot No.5 Chandrapur (Maharashtra)
	6.	Rajni Karnik, aged about 43 years, W/o Ratnakar Karnik, R/o bhilai Nagar Sector 7-B-5 Street 14, Bhilai Nagar, Bhilai (CG)
	7.	Shobha Karnik, aged about 32

years, W/o Bhaskar Karnik, R/o E-156 East of Kailash New Delhi 65.

8. State of Chhattisgarh through Collector, Bilaspur
9. Smt Shanti Devi W/o Bisahu Ram Yadav, Tilak Nagar, Bilaspur (CG)
10. Suresh Kumar Agrawal, aged about 38 years, S/o Shri Mulchand Agrawal, Occupation business, R/o Bilha, Tahsil-bilha, Distt.-Bilha (CG)
11. Kailash Chandra Agrawal, aged about 36 years, S/o Shri Maturam Agrawal, Occupation Business, R/o Bilha, Tahsil-Bilha, Distt. Bilha (CG)
12. Ravindra Singh, S/o Mahendra singh, R/o Chandela Nagar Bilaspur (CG)
13. Narendra Kumar, S/o Lakhan Lal, R/o Village-Bhojpuri, Tahsil Bilha, Distt. Bilaspur (CG)
14. Paretan, S/o Hirau,
15. Sevak S/o Hirau

No.14 and 15 R/o Village-Bhojpuri, Tahsil-Bilha, Distt.-Bilaspur (CG)

16. Shyamji, S/o Sulai, R/o Village-Bhojpuri, Tahsil-bilha, Distt. Bialspur (CG)
17. Jagdish Singh, S/o Narayan Singh, R/o Agyey Nagar, Bilaspur (CG)

Civil revision under Section 115 of the C.P.C.

Present:-

Shri B.L. Dembra, counsel for the applicants.
Shri Akhil AGgawal, PL for the State.

ORAL ORDER
(Passed on 17th September, 2007)

Heard on admission.

(2) The applicants are aggrieved by the order dated 16.8.2007 passed by the VIIIth Additional District Judge, Bilaspur in civil suit No.23-A/2005 whereby the applicants have been impleaded as defendants in the suit on an

application under Order-1 Rule-10 filed by the non-applicants No.1 to 3/plaintiffs.

(3) Admittedly, the plaintiffs had filed a suit for partition and possession of the suit property purchased by them from a co-sharer namely Indira Bai Gupte. During the pendency of the suit, an application filed by the plaintiffs for impleading the applicants was allowed.

(4) Learned counsel for the applicants admits that the applicants are asserting their title and their right to possession over the suit property in the suit.

(5) In view of the submission, the impugned order does not suffer from any illegality or manifest error of law. Revision is accordingly dismissed.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya